

ence committee on the differences between the two houses on substitute House bill No. 394, known as the "general appropriation bill," and that the House has adopted said minority report.

Respectfully,

J. W. BOOTH,
Chief Clerk.

On motion of Senator Johnston of Shelby, the Senate adjourned till 9 o'clock to-morrow morning.

SEVENTY-FOURTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, April 11, 1883. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Harris, the reading of yesterday's journal was dispensed with.

Senator Davis presented a petition of the teachers of Harris county, asking relief.

Referred to Committee on Education.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 337, being "An act to amend title 48, chapter 3, article 2763, of the Revised Civil Statutes, and fixing the bond of the State Treasurer at two hundred and fifty thousand dollars;" also, Senate bill No. 367, "An act to create and provide for the organization of the county of Reeves," and find the same correctly engrossed.

MARTIN, Chairman.

The hour having arrived for the executive session,

Senator Gibbs moved to suspend regular order of business and take up Senate bill No. 333, "An act ceding to the United States government exclusive jurisdiction over certain property in the city of Dallas, for the purpose of erecting a public building thereon," being a bill passed by both houses of the Legislature and vetoed by the Governor.

Senator Gibbs moved the passage of the bill over the veto of the Governor.

Bill passed by the following vote:

YEAS—22.

Chesley,	Gooch,	Matlock,
Cooper,	Harris,	Peacock,
Davis,	Johnston of Collin,	Perry,
Evans,	Johnston of Shelby,	Pope,
Fleming,	King,	Shannon,
Fowler,	Kleberg,	Stratton,
Getzenaner,	Martin,	Terrell.
Gibbs,		

NAYS—none.

On motion of Senator Martin, the Senate went into executive session.

IN SENATE.

On motion of Senator Gooch, the Secretary was directed to inform the Governor that the Senate advises and consents to the following appointments, and to have the same printed in the journal:

Dr. T. D. Wooten and M. W. Garnett to be regents of the university, and George Stowe to be one of the pilot commissioners at Brazos Santiago.

Also the following to be notaries public:

Austin county—J. H. Krancher.

Angelina county—W. J. Townsend and J. D. Gann.

Anderson county—W. H. Gill.

Bosque county—W. A. Culberson, D. J. Spurlock and John H. Moses.

Baylor county—Richard Lomax.

Brown county—P. H. Clemens.

Blanco county—Jno. W. Speer.

Burnet county—Norton Moses, C. C. Stewart, Albert Gieseke.

Callahan county—J. E. Thomas, A. W. Oliver,

Coryell county—J. T. Meek, Hopkins L. Turney.

Cameron county—Chas. F. Tilgham.

Crosby county—Paris Cox.

Cass county—Alf. Harrell, James H. Frost, John C. Hutchinson, Aquilla Miles, J. E. Grant, J. L. Whittle and M. R. Abernathy.

Comal county—C. A. Groos.

Cook county—W. G. Daniels, (in place of F. A. Stevens, left the county).

Collin county—J. L. Franklin (vice George C. Mountcastle, resigned), W. L. Boyd, and Leland Franklin.

Clay county—J. C. Chessnutt (in case of vacancy), and G. B. Ochiltree, (succeeds J. R. McMullen, left county).

Donley county—James T. Otey and W. D. Kimball.

El Paso county—M. F. Patterson.

Erath county—J. D. St. Clair.

Fannin county—Thos. D. Baker (to be appointed in case of one resigning) and James C. Evans (struck off but to be put in).

Grimes county—J. G. McDonald.

Grayson county—W. M. Williams, vice H. O. Head, resigned.

Gregg county—T. A. Flewellen.

Howard county—S. H. Cowan, T. G. Andrews, F. W. Heyne and T. W. Wampler.

Hall county—L. R. Dyer.

Hays county—W. F. Barbee.

Jones county—Rowan Green and L. M. Buie.

Jefferson county—J. W. Dorman.

Jack county—Thomas D. Sporer.

Johnson county—B. C. Jarrard.

Jackson county—Geo. A. Staples.

Jasper county—J. R. Faircloth, V. P. Huffman, G. W. Rawles and R. M. Sanders.

Kinney county—Geo. A. Doogan.

Kaufman county—W. H. Allen, Terrell; H. W. Kyser (in place of J. M. Reagan, resigned.)

Lamar county—Austin Pollard.

Leon county—Tom G. Nixon and Henry K. Farrar.

Lubbock county—C. B. Clark.

Lavaca county—O. C. Searcy.

Mitchell county—H. L. Bentley, Frank Lester, C. W. Merrill and J. E. Hooper.

McLennan county—G. W. Kincheloe (in place of R. H. Kingsbury, sr.), and Jas. I. Moore (in place of John T. Walton.)

Nolan county—J. Taylor Bradley, P. M. Thurmond and R. A. Ragland.

Nueces county—John M. Swisher, jr., J. W. Ward, F. E. MacMannur (McManus) and M. T. Gaffney.

Newton county—L. B. Clark, J. R. Lee, D. J. Lee, John Wright, Edd Farr and J. J. Windam.

Navarro county—A. B. Lee (in place of H. A. A. Halbert resigned.)

Nacogdoches county—H. V. Fall, J. N. Wilson and J. K. Lloyd.

Parker county—Chas. Soward and C. W. McGehee.

Panola county—B. D. Holland and J. A. Leslie.

Robertson county—J. J. Kendrick.

Shackelford county—George T. Reynolds; C. K. Stribling and Peter Hart.

Smith county—R. K. Bradshaw.

Taylor county—S. P. Cunningham and K. V. Northington.

Tom Green county—Wendell Spence.

Tyler county—W. E. Rotan and T. D. Rock.

Waller county—Jno. M. Pinkney and D. A. Starkes.

Wise county—

Upshur county—Sterl Hart.

Young county—A. B. Gant.

Senator Shannon, chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 409, entitled "An act to make each of several common carriers, which unite to complete a line of transportation, the agent of all the others, and every person contracting with such common carriers, or any one of them, for carriage to accomplish the safe carriage and delivery of the goods, lumber, live stock, package or message, and liable for any damage to such goods, lumber, live

stock, package or message, on whatever part of the whole line received, and fixing the venue of suits therefor," have carefully considered the same, and are of opinion that existing laws, as recently construed by the Supreme Court, Court of Appeals and Commissioners' of Appeal, give all the protection to shippers sought to be attained by the passage of this bill, and therefore instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

The President laid before the Senate Senate bill No. 217, "An act to amend chapter 93 of the acts of 1881, entitled 'an act to amend section 46 of an act to encourage stockraising and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881," with House amendments.

Senator Perry moved to concur in House amendments. Adopted.

Senator Gibbs moved to call up his motion, made yesterday, to reconsider the vote adopting the majority report on the appropriation bill.

Adopted, and vote reconsidered.

Senator Johnston of Shelby moved a call of the Senate. Call seconded.

Roll called.

Absent, Senators Buchanan, Cooper and Patton.

The pending business went to the table.

Senate bill No. 483, deficiency bill, which was made the special business for this hour, was taken up.

On motion of Senator Pfeuffer, the bill was referred to Finance Committee, by the following vote:

YEAS—15.

Evans,	Gooch,	Pfeuffer,
Fleming,	Johnson of Collin,	Pope,
Fowler,	Johnston of Shelby,	Randolph,
Getzendaner,	King,	Terrell,
Gibbs,	Patton,	Traylor.

NAYS—9.

Chesley,	Kleberg,	Perry,
Cooper,	Martin,	Shannon,
Davis,	Matlock,	Stratton.

Senator Pope moved to suspend the regular order of business and take up House bill No. 35, "An act to amend article 426 of the Penal Code, as amended March 15, 1881."

Adopted, bill taken up, read second time and passed to third reading.

On motion of Senator Johnston of Shelby, the rule was suspended and bill placed on its third reading by the following vote:

YEAS—21.

Cooper,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Pfeuffer,
Fleming,	King,	Pope,
Fowler,	Kleberg,	Randolph,
Getzendaner,	Martin,	Shannon,
Gibbs,	Patton,	Stratton,
Gooch,	Peacock,	Terrell.

NAYS—1.

Chesley.

Bill read third time and passed by the following vote:

YEAS—23.

Chesley,	Gooch,	Perry,
Cooper,	Johnson of Collin,	Pfeuffer,
Davis,	Johnston of Shelby,	Pope,
Evans,	King,	Randolph,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Patton,	Terrell.
Gibbs,	Peacock,	

NAYS—none.

On motion of Senator Pfeuffer, the Senate adjourned till 3 o'clock this evening.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

President in the chair.

Roll called. Quorum present.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 317, being "An act to authorize the purchase of bridges in the name and for the use of counties of this State, and to provide for the payment thereof," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Pfeuffer, chairman of the Committee on Finance, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Finance Committee have had under consideration substitute House bill No. 483, known as the deficiency appropriation bill, and I am instructed by a majority of the committee to recommend the adoption of the amendments hereafter indicated, and that, as amended, the bill do pass.

First amendment. Add under the head of deficiencies for the judiciary service, viz:

For porter hire of Commissioners of Appeals at Galveston, \$30.

For Court of Appeals at Austin, books and stationery, \$159.80.

For expenses of suit relating to title to certain land connected with the A. & M. College, now pending in the Supreme Court, \$800.

Second amendment. Add under head of deficiency for quarantine service, viz:

To Shackelford county, for expenses incurred for quarantine against smallpox, \$2,797.36.

To pay unaudited claims for smallpox quarantines declared by cities, towns and counties, \$25,000. Proof of the establishment of local quarantine and of the reasonableness and necessity of the expenses incurred shall be made to the Comptroller, and when claims are audited and allowed by him, he shall draw his draft on the treasury in favor of the city, town or county for the amount allowed.

Third amendment. Under the head of deficiencies for State officers and clerk's salaries, viz:

Strike out the words "W. W. Searcy, executive clerk, \$675; W. M. Milby, executive clerk, \$20.92; J. W. Swindells, executive clerk, \$602.82," and the words "to pay T. J. Sink, guard at State penitentiary in 1867 and 1868, \$156.15."

Add to the language of the appropriation for A. Bledsoe, after the words "railroad case," and before the amount appropriated the words "upon satisfactory proof being made to the Comptroller that the amount allowed has been expended," and add: "For S. N. Pickens, for services as inspector and guard for the East Texas Penitentiary, from January 14, 1879, to April 7, 1879, in full payment, \$207.50."

Fourth amendment. Under the head of "deficiencies in sheriffs' claims," add to the same, viz.: "To pay S. J. Hamm, sheriff of Van Zandt county, for conveying a felony convict from said county to the penitentiary and not paid for, upon proof that said convict was conveyed and delivered and not paid for, the sum of \$147."

For H. C. Denny, in payment of claim of J. M. Kiser, sheriff of Bell county, for conveying convict to the penitentiary from said county, \$101.50.

Fifth amendment. Under the head of miscellaneous strike out \$450 as the appropriation for the veteran board and insert after the word "Deffenbaugh," \$250, and insert after the word "Hunter" \$250, and insert after the word "Johnson" the words "as president and for extra service, \$500."

Sixth amendment. Strike out the amount allowed J. B. Smith for extra work on the new capitol and insert \$——.

Add: "To pay J. B. Smith on the original contract for building the new capitol, \$300."

Add at the end of section 1, viz.:

To pay Thomas Goggan balance due on piano for Governor's man-

sion, bought in the year 1872, in full payment and satisfaction, \$235.

To pay William Brueggerhoff rent of rooms used by State officers under control of the several departments, \$818.

Tom Murrah, as agent for owner, for rent of building on Pecan street for Comptroller's office and also for Treasurer's office, as per contract, \$170.

To pay George H. Ragsdale for surveying certain university lands in Cook county in 1874 and 1875, this amount to be paid out of the available university fund, \$400.

To pay Galveston News for printing notices for Commissioners of Appeals \$12.45, and asylums \$85.80, \$98.15.

To pay M. T. Thompson for rent, \$38.00

Strike out "\$15,000 to pay teachers," and insert "\$20,000."

Seventh amendment. Add to the quarantine deficiency, viz:

Christian Hess, \$32.62.

Duval county, \$219.50.

Nueces county, \$1504.11.

Eighth amendment. Add to the deficiency to pay public debt, the following:

To pay claims for services rendered for frontier defense, or as Texas soldiers, prior to January 28, 1861, the sum of \$5000.

To pay A. W. Riley for publishing citation in escheat suit in Van Zandt county, \$40.95.

Respectfully submitted.

PFEUFFER, Chairman.

On motion of Senator Gooch, the Senate went into committee of the whole on the report of the Finance Committee on the deficiency bill, just submitted.

IN SENATE.

Senator Peacock, chairman of the committee of the whole Senate, reported sundry amendments to House bill No. 483, the "deficiency appropriation bill," and recommended their adoption and the passage of the bill.

On motion of Senator Gooch, the rules were suspended to put the pending bill on its second reading.

Adopted by the following vote:

YEAS—22.

Buchanan,	Gooch,	Peacock,
Chesley,	Johnson of Collin,	Perry,
Collins,	Johnson of Shelby,	Pfeuffer,
Cooper,	King,	Randolph,
Farrar,	Kleberg,	Shannon,
Fleming,	Martin,	Terrell,
Fowler,	Patton,	Traylor.
Getzendaner,		

NAYS—none.

Bill read second time, and,

On motion of Senator Gooch, the amendments of the committee of the whole Senate were adopted, which are as follows:

The Senate adopted all of the amendments of the Finance Committee in committee of the whole, except the third and sixth, and substituted the fifth Finance Committee amendment by the following:

"To pay the board of veterans for services rendered since July 2, 1881, \$1424."

Inserted after "A. Bledsoe," in third amendment, the words "heirs or legal representatives," and adopted the following amendment, which reads as follows:

Add after line 22, page 4, "To pay George Wolf, sheriff of Lampasas county, for conveying convicts in 1881 to penitentiary at Huntsville, \$290."

Senator Pfeuffer offered the following amendment:

Strike out Senate amendment to line 6, page 6.

Adopted.

Senator Johnston of Shelby offered the following amendment:

Add on page 3, after line 7, "O. M. Roberts, jr., \$1190; H. L. Spain, \$1161.67."

Senator Gooch moved the previous question on the pending amendment and the passage of the bill to third reading.

Motion seconded, and main question ordered.

The amendment of Senator Johnston of Shelby adopted, and bill passed to third reading.

On motion of Senator Gooch, the rules were suspended to put bill on its third reading, by the following vote:

YEAS—23.

Buchanan,	Gibbs,	Perry,
Chesley,	Gooch,	Pfeuffer,
Collins,	Johnson of Collin,	Pope,
Cooper,	King,	Randolph,
Farrar,	Kleberg,	Shannon,
Fleming,	Martin,	Stratton,
Fowler,	Patton,	Traylor.
Getzendaner,	Peacock,	

NAYS—none.

Bill read third time

Senator Getzendaner offered the following amendment:

Strike out all appropriated for quarantine against small-pox.

Senator Gooch moved the previous question on pending amendment and passage of bill.

Motion seconded, and main question ordered.

Amendment lost by the following vote:

YEAS—9.

Fowler,	Johnson of Collin,	Peacock,
Getzendaner,	Martin,	Perry,
Gibbs,	Patton,	Traylor.

NAYS—15.

Buchanan,	Fleming,	Matlock,
Chesley,	Gooch,	Pfeuffer,
Collins,	Johnson of Shelby,	Randolph,
Cooper,	King,	Shannon.
Farrar,	Kleberg,	

Bill then passed, as amended, by the following vote:

YEAS—21.

Buchanan,	Getzendaner,	Patton,
Chesley,	Gibbs,	Peacock,
Collins,	Gooch,	Pfeuffer,
Cooper,	Johnson of Shelby,	Shannon,
Farrar,	King,	Stratton,
Fleming,	Kleberg,	Terrell,
Fowler,	Matlock,	Traylor.

NAYS—4.

Johnson of Collin,	Perry,	Randolph.
Martin,		

Senator Patton, chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 334, entitled "An act to amend title 20 of the Revised Civil Statutes of the State of Texas, by adding thereto another chapter, with its several articles, to be known as chapter 14," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

PATTON, Chairman.

Bill read first time.

On motion of Senator Gooch, the House was requested to return Senate bill No. 351, for correction.

Substitute House bill No. 290, "An act to be entitled 'an act to amend article 4227, title 84, chapter 10, of the Revised Civil Statutes of the State of Texas,' was referred to Committee on Internal Improvements.

The following messages were received from the House:

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 11, 1883.

Mr. President:

I am instructed to inform the Senate that the House has passed Senate joint resolution No. 33, "Joint resolution propos-

ing an amendment to article 5 of the State Constitution, diminishing the number of terms of the county courts, by two-thirds majority; ayes 82, nays 3.

Also, Senate bill No. 358, "An act to amend section 10 of 'an act to organize the thirty-fourth and thirty-fifth judicial districts, to fix the time of holding courts therein,' etc., in the seventh and fourteenth judicial districts, and in the counties of Kaufman, Sabine San Augustine and Nacogdoches, and to provide for a district attorney in the sixteenth judicial district," approved March 27, 1883."

Also Senate bill No. 359, "An act to amend 'an act amendatory of title 83, and the supplement thereto, of the Revised Civil Statutes,' approved February 28, 1883."

Respectfully,

J. W. BOOTH,
Chief Clerk.

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 11, 1883.

Mr. President:

I am instructed to inform your honorable body that the House has acceded to the request of the Senate for the appointment of a conference committee on the differences of the two houses on House substitute for Senate bill No. 157, known as the "game and fish bill," and that Messrs. Hill, Harkness and Garrison have been appointed on said committee.

J. W. BOOTH,
Chief Clerk.

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 11, 1883.

Mr. President:

I am instructed to inform the Senate that the House has passed, with an amendment, Senate bill No. 293, "An act to amend title 17, chapter 10, of the Revised Statutes of Texas, by adding thereto articles 503a and 503b," passed under a suspension of the rule.

J. W. BOOTH,
Chief Clerk.

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 11, 1883.

Mr. President:

I am instructed to inform the Senate that the House has passed Senate bill No. 320, "An act to authorize the councils of certain cities and towns to appoint a board of school trustees."

J. W. BOOTH,
Chief Clerk.

The following message was received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, April 11, 1883.

To the Senate and House of Representatives:

GENTLEMEN:—It will be seen from the enclosed communication from the Postmaster-General that postmasters are no longer required to endorse on depositions from whom they are deposited in the mails, and as article 2231, Revised Statutes, makes this certificate an essential to the validity of a deposition, that this refusal will practically nullify our law on the subject of depositions. I respectfully suggest the repeal of the section and a memorial to the Congress of the United States to make this duty on postmasters imperative if it is deemed essential in the administration of our law. The act of Congress could then be conformed to by subsequent legislation.

Very respectfully,

JOHN IRELAND,
Governor.

POST OFFICE DEPARTMENT, OFFICE OF POSTMASTER-GENERAL,
WASHINGTON, D. C., April 7, 1883.

To His Excellency, Hon. John Ireland, Governor of the State of Texas:

SIR:—I have the honor to acknowledge your communication of second instant enclosing a copy of a letter from the Hon. F. E. McManus, of Corpus Christi, Texas.

You request that ruling 911, page 756, January, 1883, Official Postal Guide, be so modified as to require postmasters to comply with the laws of your State, certifying to certain facts embodied in a certificate attached to depositions which have been taken in the locality where the postoffice is situated.

Several communications have been received from Mr. McManus through various sources. On the fifth inst. a reference of a communication of like purport was received from the Hon. Thos. Ochiltree. To all these communications but one answer can be returned.

It is not, in the opinion of this department, within the power of the Postmaster-General to require the postmaster at New York city (where this question has arisen) to assume the personal responsibility of certifying to facts that are not within his official knowledge, and to ascertain which it would be necessary for him, as he

states in a communication to this department, to neglect duties which are imposed by the statutes of the United States upon him as an officer of the general government.

It is doubtless convenient in many instances for State Legislatures to provide that a certain form of certificate by postal officials shall be accepted in the State courts as evidence, but I think you will recognize the fact that in executing such a certificate, the postmaster is not discharging a duty as postmaster by virtue of any statute of the United States, and is therefore not under the direction of the Postmaster-General, but must be governed entirely by his own convictions of propriety.

A somewhat similar question was presented under the statute of the State of Georgia, requiring postmasters to hold depositions until the meeting of court, and produce them before the judge.

In a communication addressed by the late Postmaster-General, dated November 27, 1882, to the Governor of Georgia, Hon. Alexander H. Stephens, in regard to the propriety of such legislation, this language was used:

"I think you will readily admit that the law referred to imposes upon postmasters a responsibility from which they ought to be relieved."

To this letter a reply was made, of which the following is a copy:

"STATE OF GEORGIA,
"EXECUTIVE DEPARTMENT,
"ATLANTA, GA., Dec. 2, 1882."

Hon. Timothy O. Howe, Postmaster-General, U. S., Washington, D. C.:

"SIR: Your letter of 27th ult. was received yesterday; and, agreeing with you entirely upon the subject to which it referred, I called the attention of our General Assembly to it to-day. The session is near its close, but I have hope the suggested change in our law, regulating the transmission by mail, and their delivery by postmasters, of packages of interrogatories and depositions to be used in courts, will be made.

Yours truly,

"ALEXANDER H. STEPHENS."

Until Congress shall, by proper legislation, direct postmasters to discharge as part of their official duties such additional service as may be imposed upon them by the State Legislatures respectively the Postmaster-General cannot officially do more than he has already done in this matter.

Very Respectfully,

FRANK HATTON,
Acting Postmaster-General.

On motion of Senator Johnston of Shelby, the message and accompanying documents were referred to Judiciary Committee No. 1.

The President signed:

House bill No. 295, entitled "An act to amend article 1059, chapter 3, title 15, of the Code of Criminal Procedure of the State of Texas."

Substitute House bill No. 352, "An act to establish a county brand for the several counties in this State, and to provide for the advertising of all estrays branded with the county brand in the county to which the county brand may belong."

Senate bill No. 326, "An act to amend articles 122 and 129, Revised Civil Statutes."

Senate bill No. 286, "An act to authorize the Commissioner of the General Land Office to issue patents now suspended for want of reports of county clerks."

Senate bill No. 152, "An act to amend chapter 4, title 12, of the Penal Code, by adding thereto articles 403a, 403b and 403c."

Substitute Senate bill No. 206, "An act to amend article 1056, chapter 2, title 15, of the Code of Criminal Procedure."

Substitute Senate bill No. 305, "An act to amend 'an act to adopt and establish the Revised Civil Statutes of the State of Texas, by adding thereto article 4420a.'"

Senate bill No. 103, "An act to amend section 7 of an act entitled 'an act to give effect to section 2, article 9, of the Constitution, regulating the manner of removing and locating county seats and to provide for the location of county seats in organized counties, where no county seat has been created by existing law,' approved April 10, 1879."

Senate bill No. 326, "An act to amend articles 122, 129, 137 and 138 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend articles 130 and 132 of the Revised Civil Statutes of the State of Texas, as amended and approved April 17, 1879, and add thereto article 130a."

Senate bill No. 178, "An act to amend article 722, chapter 8, title 17, of the Penal Code of the State of Texas."

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 11, 1883.

Mr. President:

I am instructed to inform the Senate that the House has adopted the accompanying concurrent resolution, appropriating from the contingent fund of the Eighteenth Legislature an amount sufficient to pay the per diem pay of members, officers and employees of the Eighteenth Legislature.

J. W. BOOTH,
Chief Clerk.

The President signed House bill No. 85, "An act to amend article 426 of the Penal Code, as amended March 15, 1881."

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 11, 1883.

Mr. President:

I am instructed to inform the Senate that the House has passed Senate bill No. 351, "An act to amend 'an act to prescribe the times of holding district court in the ninth judicial district,' approved April 9, 1879."

J. W. BOOTH,
Chief Clerk.

Also the following:

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 11, 1883.

Mr. President:

I am instructed to inform the your honorable body that the House has passed Senate joint resolution No. 20, "Requesting the Senators and Representatives in Congress from Texas, to use their best efforts in behalf of such an understanding between the government of the United States and that of the Republic of Mexico, as will establish and maintain efficient quarantine laws to prevent the spread of infectious and epidemic diseases on the border of the two nations."

Respectfully,

J. W. BOOTH,
Chief Clerk.

The President signed the following bills:

Senate bill No. 134, "An act to authorize Christian Jordan to sue the State of Texas."

Senate bill No. 217, "An act to amend chapter 93 of the acts of 1881, entitled 'an act to amend section 46, of an act to encourage stockraising and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881."

Senate bill No. 269, "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, the university, the lunatic, blind, deaf and dumb, and orphan asylum funds."

Senate bill No. 351, "An act to amend an act entitled 'an act to prescribe the times of holding the district courts in the ninth judicial district,' approved April 9, 1879."

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 269, being "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, university, the lunatic, blind, deaf and dumb, and orphan asylum funds," and find the same correctly enrolled, and have this day, at 5:45 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 217, being "An act to amend chapter 93 of the act of 1881, entitled 'an act to amend section 46, of an act to encourage stockraising, and to protect stockraisers' approved April 22, 1879, and amended April 4, 1881," and find the same correctly enrolled, and have this day, at 5:45 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 178, being "An act to be entitled 'an act to amend article 722 of the Penal Code of the State of Texas,' and find the same correctly enrolled, and have this day, at 5:45 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 152, being "An act to amend chapter 4, title 12, of the Penal Code, by adding thereto articles 403a, 403b and 403c," and find the same correctly enrolled, have this day, at 5:45 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 286, being "An act to authorize the Commissioner of the General Land Office to issue patents now suspended for want of reports of county clerk's," and find the same correctly enrolled, and have this day, at 5:45 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 326, being "An act to amend articles 122, 129, 137 and 138 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend articles 130 and 132 of the Revised Civil Statutes of the State of Texas, as amended and approved April 17, 1879, and to add article 130a," and find the same correctly enrolled, and have this day, at 5:45 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 206, being "An act to amend article 1056, chapter 2, title 15, of the Code of Criminal Procedure," and find the same correctly enrolled, and have this day, at 5:45 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 103, being "An act to amend section 7 of an act entitled 'an act to give effect to section 2, article 9, of the Constitution, regulating the manner of removing and locating county seats, and to provide for the location of county seats in organized counties where no county seat has been created by existing law,' approved April 10, 1879," and find the same correctly enrolled, and have this day, at 5:45 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and

compared substitute Senate bill No. 305, being "An act to amend an act to adopt and establish the Revised Civil Statutes of the State of Texas by adding thereto article 4420a," and find the same correctly enrolled, and have this day, at 5:45 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 134, being "An act to authorize Christian Jordan to sue the State of Texas," and find the same correctly enrolled, and have this day, at 5:45 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

Senator Martin, for free conference committee on substitute Senate bill No. 157, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 11, 1883.

Hon. Marion Martin, President of the Senate, and Hon. C. R. Gibson, Speaker of the House of Representatives:

Your free conference committee, to whom was referred the difference between the two houses on House substitute for Senate bill No. 157, entitled "An act to amend section 2 of an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create 426½, and to repeal article 430, chapter 5, title 13 of the Penal Code, for the protection of fish and game," approved March 15, 1881," have had the same under consideration, and report,

1. That the following be adopted in lieu of the second House amendment, to-wit: Strike out "Tyler, Liberty, Chambers, Hardin, Jefferson Orange, Newton and Jasper," wherever they occur in the bill, and insert as follows: "The counties of Tyler, Liberty, Chambers, Hardin, Jefferson, Orange, Newton and Jasper are exempted from all the provisions of this act."

2. Strike out Falls and Navarro from the list of exempted counties.

All of which is respectfully submitted, and your committee ask that this report be adopted.

J. A. MARTIN,
S. B. COOPER,
L. J. FARRAR,
Senate Committee.
JAMES E. HILL,
R. M. HARKNESS,
C. J. GARRISON,
House Committee.

On motion of Senator Fleming, the report of the free conference committee was adopted.

Senator Farrar, chairman of Senate free conference committee to act with a like committee from the House to settle the differences between the two houses on substitute House bill No. 528, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 11, 1883

Hon. C. R. Gibson, Speaker of the House of Representatives, and Hon. Marion Martin, President of the Senate:

Your free conference committee, to whom was referred the differences between the two houses on Senate substitute for House bill No. 528, entitled "An act to create a land board, with authority to investigate alleged frauds, and to authorize the institution of suits in the name of the State to annul purchases in certain cases illegally and improperly made under an act to provide for the sale of alternate sections of land in organized counties, as surveyed by railroad companies and other works of internal improvement, and set apart for the benefit of the common school fund," approved July 8, 1879, and an act amendatory thereof, approved April 6, 1881," have had the same under consideration, and report the same back, and recommend:

1. The House recede from its second amendment.

2. That the committee further recommend that the House recede from its third amendment, and that the following shall be a substitute for the fourth House amendment, and for section 6 of the bill:

SECTION 6. The suits provided for in this act shall be brought within twelve months from the time this act takes effect, in the county where the land is situated, or in the county to which such county where the land is situated is attached for judicial purposes, or in the county of the residence of the purchaser, or the person for whose benefit the purchases were made, as the State may elect; provided, that suits for the recovery of such lands against non-residents

or corporations shall be brought in the district court of Travis county; and provided further, that in all cases where twenty-five sections or more of land in excess of the seven sections authorized by law to be purchased, have been purchased by or for the benefit of any one person or corporation, suits for the recovery thereof shall be brought in the district court of Travis county.

All of which is respectfully submitted, and your committee recommend the adoption of this report.

W. T. ARMISTEAD,
L. N. FRANK,
JAMES E. HILL,
House Committee.
L. J. FARRAR,
JOHN H. TRAYLOR,
Senate Committee.

On motion of Senator Farrar the report of the committee was adopted.

On motion of Senator Shaannon, Senator Perry was indefinitely excused after Friday next.

Senator Gibbs called up his motion to reconsider the vote adopting the majority report of the free conference committee on the appropriation bill.

Senator Johnston of Shelby moved a call of the Senate. Call seconded.

Roll called. Absent, Senator Houston.

Senator Traylor moved to suspend the call.

The Senate refused to suspend.

Senator Gooch moved to excuse Senator Houston indefinitely.

Adopted by the following vote:

YEAS—19.

Chesley,	Gooch,	Pope,
Collins,	Johnson of Collin,	Randolph,
Davis,	King,	Shannon,
Farrar,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Perry,	Traylor.
Gibbs,		

NAYS—8.

Buchanan,	Johnston of Shelby,	Peacock,
Cooper,	Matlock,	Pfeuffer,
Fleming,	Patton,	

Senator Gooch moved the previous question on motion to reconsider.

Motion seconded, and main question ordered.

And motion to reconsider adopted by the following vote:

YEAS—18.

Chesley,	Gibbs,	Perry,
Collins,	Gooch,	Randolph,
Davis,	Johnson of Collin,	Shannon,
Farrar,	King,	Stratton,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Martin,	Traylor.

NAYS—9.

Buchanan,	Johnston of Shelby,	Peacock,
Cooper,	Matlock,	Pfeuffer,
Fleming,	Patton,	Pope.

Senator Davis moved to adopt the minority report, and moved the previous question on his motion.

Motion seconded and main question ordered, and minority report adopted by the following vote:

YEAS—18.

Chesley,	Gibbs,	Perry,
Collins,	Gooch,	Randolph,
Davis,	Johnson of Collin,	Shannon,
Farrar,	King,	Stratton,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Martin,	Traylor.

NAYS—9.

Buchanan,	Johnston of Shelby,	Peacock,
Cooper,	Matlock,	Pfeuffer,
Fleming,	Patton,	Pope.

Senator Stratton moved to adjourn till 9 o'clock to-morrow.

Lost by the following vote:

YEAS—13.

Buchanan,
Chesley,
Collins,
Fleming,
Getzendaner,

Gibbs,
Johnson of Shelby,
Kleberg,
Martin,

Patton,
Peacock,
Stratton,
Terrell.

NAYS—14.

Cooper,
Davis,
Farrar,
Fowler,
Gooch,

Johnson of Collin,
King,
Matlock,
Perry,
Pfeuffer.

Pope,
Randolph,
Shannon,
Traylor.

Senator Gooch moved to suspend regular order of business and take up Senate bill No. 293, "An act to amend title 15, chapter 10, of the Revised Statutes of the State of Texas, by adding thereto articles 503a and 503b."

Adopted, and bill taken up with House amendment.

Senator Gooch moved that the Senate concur in House amendment.

Adopted.

Senator Perry moved to suspend the regular order of business and take up Senate bill No. 43, "An act to amend article 2231, chapter 2, title 38, of the Revised Statutes of the State Texas, providing for taking the depositions of witnesses."

Adopted, bill taken up, and read second time.

Senator Terrell offered the following amendment:

SEC. —. The near approach of the end of the session, and the importance of the legislation herein provided for, creates an emergency and imperative public necessity that the rule requiring acts to be read on three several days be suspended, and that this act take effect and be in force from and after its passage; and it is so enacted.

Adopted.

Senator Perry moved to suspend the constitutional rule and place bill on its third reading.

Adopted by the following vote:

YEAS—21

Chesley,
Collins,
Cooper,
Farrar,
Fowler,
Getzendaner,
Gibbs,

Gooch,
Johnson of Collin,
Johnson of Shelby,
King,
Kleberg,
Martin,
Peacock,

Perry,
Pfeuffer,
Randolph,
Shannon,
Stratton,
Terrell,
Traylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22.

Chesley,
Collins,
Cooper,
Farrar,
Fleming,
Fowler,
Getzendaner,
Gibbs,

Gooch,
Johnson of Collin,
King,
Kleberg,
Martin,
Peacock,
Perry,

Pfeuffer,
Pope,
Randolph,
Shannon,
Stratton,
Terrell,
Traylor.

NAYS—none.

Senator Randolph moved to suspend the regular order of business and take up Senate bill No. 368, "An act to provide for the election of a district attorney in the seventeenth judicial district at the next general election."

Adopted, and bill taken up, read second time and ordered engrossed.

Senator Randolph moved to further suspend the rules and place the bill on its third reading.

Adopted by the following vote:

YEAS—23.

Buchanan,
Chesley,
Collins,
Cooper,
Farrar,
Fleming,
Fowler,
Getzendaner,

Gibbs,
Gooch,
Johnson of Collin,
Johnson of Shelby,
King,
Kleberg,
Martin,
Matlock,

Patton,
Peacock,
Perry,
Pfeuffer,
Randolph,
Shannon,
Traylor.

NAYS—none.

Bill read third time and passed.

Senator Gooch moved to suspend the regular order of business and take up House bill No. 313, "An act to amend article 1639 of the Revised Civil Statutes."

Adopted, and bill taken up and read second time, with unfavorable committee report.

Senator Shannon moved to adopt the committee report.

The Senate refused to adopt the unfavorable report of the committee by the following vote:

YEAS—11.

Buchanan,
Chesley,
Farrar,
Fowler,

Getzendaner,
Kleberg,
Martin,
Patton,

Perry,
Shannon,
Terrell.

NAYS—15.

Collins,
Cooper,
Davis,
Fleming,
Gibbs,

Gooch,
Johnson of Collin,
King,
Matlock,
Peacock,

Pfeuffer,
Pope,
Randolph,
Stratton,
Traylor.

The House concurrent resolution to provide for the pay of the Eighteenth Legislature was referred to the Committee on Finance.

Senator Chesley moved to adjourn till 10 o'clock to-morrow.

Lost by the following vote:

YEAS—11.

Buchanan,
Chesley,
Farrar,
Fowler,

Getzendaner,
Kleberg,
Martin,
Patton,

Perry,
Shannon,
Terrell.

NAYS—15.

Collins,
Cooper,
Davis,
Fleming,
Gibbs,

Gooch,
Johnson of Collin,
King,
Matlock,
Peacock,

Pfeuffer,
Pope,
Randolph,
Stratton,
Traylor.

Pending bill passed to third reading.

On motion of Senator Martin, the Senate adjourned until to-morrow morning at 10 o'clock.

SEVENTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 12, 1883. }

Senate met pursuant to adjournment.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Senator Kleberg moved to dispense with the reading of yesterday's journal.

Adopted.

The following messages were received from the House:

HALL OF HOUSE OF REPRESENTATIVES,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

SIR:—I am instructed to inform the Senate that the House has passed Senate bill No. 333, "An act ceding to the United States government exclusive jurisdiction over certain property in the city of Dallas, for the purpose of erecting a public building thereon," by